REMARKS / DISCUSSION OF ISSUES

Claims 1-42 are pending in the application.

The Examiner rejects claims 1-10, 16-27, 33, and 39-41 under 35 U.S.C. 103(a) over Apostolides et al. (USP 6,829,226, hereinafter Apostolides) in view of Das et al. (USPA 2003/0087605, hereinafter Das). The applicants respectfully traverse this rejection.

In claim 1, the applicants claim two different control processes: a power control loop process, and a report generation/transmission process, such that the timing of the report generation/transmission process is varied based on an interruption of the power control loop process. The claimed mobile station includes both a power control signal generation means and a report generation means. Independent claims 18 and 39 include similar features.

The combination of Apostolides and Das fails to teach two control processes, wherein the timing of a second process is dependent upon an interruption of the first process.

The Examiner acknowledges that Apostolides does not teach controlling a time of transmission of generated reports in response to an interruption in a power control loop process, and asserts that Das provides this teaching at paragraph 0016, lines 3-7 and paragraph 0017, lines 7-24. This assertion is incorrect. Das does not teach a power control loop, and cannot be said to teach controlling a time of transmission of reports in response to an interruption of such a power control loop. The term 'power' does not appear anywhere within Das.

Das teaches a single control process, wherein the mobile device controls the transmission rate of the base station based on a determined quality of the channel. In this process, the mobile device measures the quality, and transmits reports to the base station to control the base station's transmission rate. At the cited text, Das teaches that the timing of these rate-controlling reports can be changed based on whether or not the base station is currently transmitting. When the base station is transmitting, the rate-controlling reports are sent more frequently than when the base station is not transmitting:

> "In general, when there is no data transmission from the base station (e.g., time slots 301-306), the channel quality information (e.g., rate information) is sent from the mobile station every two (2) slots as shown by communications 352, 354, 361, 363, and 365." (Das [0016] lines 3-7.)
> "In slot 404, the mobile station detected a change in channel quality and reported back to the base station that transmission should occur at rate R2. This channel quality feedback is received by the base station during its time slot 306. Because the base station is sending a transmission to the mobile station during time slots 307-309 and because the base station is receiving channel quality feedback indicating rate R2 as the desired rate (e.g., R2 reported by mobile station in time slot 404 and received by the base station in time slot 306), the transmission by the base station during time slots 307-309 is therefore sent at rate R2. Because the base station is now transmitting data to the mobile station during time slots 307-309, the mobile station is adapted to send the channel quality feedback at a faster rate (e.g., every time slot) for the corresponding time slots 407-409, e.g., as shown by communications 357-359." (Das [0017] lines 7-24.)

As is clearly evident, at the cited text, Das is silent with respect to controlling the power of the base station, is silent with respect to interruptions of this non-existent power control loop, and is silent with respect to controlling the timing of the reports based on these non-existent interruptions of the non-existent power control loop.

Because the combination of Apostolides and Das fails to teach or suggest controlling a time of transmission of reports such that first of the reports are transmitted at a predetermined sequence of times and, ***in response to an interruption in a power control loop process***, to control a time of transmission of one or more second of the reports at times that are not coincident with the predetermined times, the applicants respectfully maintain that the rejection of claims 1-10, 16-27, 33, and 39-41 under 35 U.S.C. 103(a) over Apostolides in view of Das is unfounded, and should be withdrawn.

The Examiner rejects:

claims 11-14, 28-31, and 41 under 35 U.S.C. 103(a) over Apostolides in view of Das and Baker et al. (USPA 2002/0016179, hereinafter Baker); and

claims 15 and 32 under 35 U.S.C. 103(a) over Apostolides in view of Das and Cudak et al. (USPA 2005/0289256, hereinafter Cudak). The applicants respectfully traverse these rejections.

Each of these claims is dependent on independent claim 1, 18, or 39, and in this rejection, the Examiner relies on the combination of Apostolides and Das for teaching the elements of claims 1, 18, and 39. As noted above, the combination of Apostolides and Das fails to teach the elements of claims 1, 18, or 39, and neither Baker nor Cudak corrects this deficiency. Accordingly, the applicants respectfully maintain that the rejections of claims 11-15, 28-32, and 41 under 35 U.S.C. 103(a) that rely on the combination of Apostolides and Das for teaching the elements of claims 1, 18, or 39 is unfounded, and should be withdrawn.

The Examiner rejects:

claims 34-36 and 38 under 35 U.S.C. 103(a) over Apostolides in view of Das and Cheng et al. (USP 2004/0246917, hereinafter Cheng); and

claim 37 under 35 U.S.C. 103(a) over Apostolides in view of Das, Cheng, and Baker. The applicants respectfully traverse these rejections.

In the rejection of claim 34, upon which claims 35-38 depend, the Examiner states that claim 34 "has been analyzed and rejected based on the rejection of claim 1" with regard to the teachings of Apostolides and Das. As noted above, the combination of Apostolides and Das fails to teach the elements of claim 1, and Cheng fails to correct this deficiency. Accordingly, the applicants respectfully maintain that the rejections of claims 34-38 under 35 U.S.C. 103(a) that rely on the basis of rejection of claim 1 is unfounded, and should be withdrawn.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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